

David W. Tolliver
55 Brookmont Drive
Clayton, NC 27527
704-996-8147

APR 7 2011

D CLERK
US BANKRUPTCY COURT

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division

In re:)
)
CIRCUIT CITY STORES, INC., et al.,) Case No. 08-35653-KRH
) Chapter 11
Debtors.) Jointly Administered

**RESPONSE OF DAVID W. TOLLIVER TO LIQUIDATING TRUST'S
ELEVENTH OMNIBUS OBJECTION TO CLAIMS: RECLASSIFY TO
GENERAL UNSECURED CLAIMS, REDUCE TO STATUTORY CAP, OR
DISALLOW, AS APPLICABLE
(SPECIAL CASH RETENTION PROGRAM)**

I, David W. Tolliver, submit this Response to the Liquidating trust's Eleventh Omnibus Objection to Claims ("the Eleventh Omnibus Objection" or "the Objection"). In Support of my Response, I respectfully state as follows:

Background

1. I was employed by Circuit City Stores, Inc. ("Debtor" or "Debtor in Possession") from July 3, 1999 until March 23, 2009 which was my final day of the inventory liquidation and subsequent termination.
2. I was in the capacity of AND held the title of Store Director from August 1, 2007 to March 23, 2009.
3. On January 4, 2008 I was awarded a Long Term Cash Award in the amount of \$15,000 which was to vest at 33.3% on January 1, 2009; 66.6% on January 1, 2010; and 100% on January 1, 2011. Therefore payment was to be received in \$5,000 increments over the course of the three vesting dates.
4. As Stated in the Debtors Objection Sample Award Letter supplied in their objection and as an exhibit of my original claim, the Award was contingent upon me remaining employed with the debtors through each vesting date in order to receive the vesting payment.
5. On November 10, 2008, ("the Petition Date"), Circuit City Stores, Inc. and related companies filed voluntary petitions for relief under Chapter 11 of Title 11 of the United States Code. In

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the first day's motions, the court approved (among other things) the debtors request to continue employee benefit programs that were in the ordinary course of business (summarized) and (emphasized) those which would prevent a substantial reduction in employee moral as to help preserve the value of the debtors estate. The debtors (as an excerpt from the motion) requested this as well:

72. In addition, the Debtors have in place a number of other policies and programs, including, severance policies, certain additional short-term and long-term incentive plans and a board of directors deferred compensation plan. At this time, the Debtors are not requesting authorization to make payments on account of prepetition amounts owed in connection with such policies and plans. The Debtors are also not seeking authorization at this time to continue such programs in the ordinary course. The Debtors are currently evaluating their need and ability to continue such programs and will seek relief with respect to such programs in later motions, as needed. As such, this Motion is not intended to prejudice the Debtors' right to seek such relief, or any additional relief related to any Employee payments, benefits or programs, at a later date.

6. On April 1st, 2010 this court granted an order (Docket # 7081) sustaining the Debtors Fifty-Sixth Omnibus objection to claims, of which the order stated that

3. To the extent any of the agreements allegedly giving rise to the Claims are or were executory and they have been or are subsequently rejected by the Debtors, nothing in this Order shall prohibit a Claimant who filed a Claim from filing a rejection damages claim (as a priority claim or otherwise) by the applicable bar date or impair the Debtors' right to object to any such rejection damages claim that is filed on any ground that governing law permits. For the avoidance of doubt, nothing herein shall be deemed to extend any bar date.

7. On October 14th, 2010 (Pursuant to the Rejection Damages Claims Bar Date) I filed a Rejection Damages Claim with the maximum allowable priority cap

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Response to Debtors Objection

1. My claim as filed (see attached proof of claim) was a **Rejection Damages** claim resulting from the contract or agreement for payment of the “Long Term Incentive”. The Liquidating Trust did not address or object to Rejection Damages Claims in their Eleventh Omnibus Objection.
2. By definition, this contract (“Long Term Incentive”) is an executory contract. And although, this doesn’t change the fact that the Award arose pre-petition and is therefore a pre-petition contract (regardless of the contingency becoming due post-petition), the debtors did receive benefits of continued employment from myself and hundreds of other participants in these Awards. All the while, the debtors were evaluating their need and ability to continue such programs (referenced from first day motions, quotes omitted)
3. Although, unrelated to Incentive Programs, the Supreme Court of the United States has provided Clear guidance as it relates to pre-petition executory contracts as it relates to the implications and results of a debtor in possession realizing a benefit from them while deciding whether to assume or reject the contracts.
 - a. As Cited by the US Supreme Court in **NLRB v. Bildisco & Bildisco** at **465 U. S. 531-532**

If the debtor-in-possession elects to continue to receive benefits from the other party to an executory contract pending a decision to reject or assume the contract, the debtor-in-possession is obligated to pay for the reasonable value of those services, *Philadelphia Co. v. Dipple*, 312 U. S. 168, 312 U. S. 174 (1941), which, depending on the circumstances of a particular contract, may be what is specified in the contract, see *In re Public Ledger*, 161 F.2d 762, 770-771 (CA3 1947). See also *In re Mammoth Mart, Inc.*, 536 F.2d 950, 954-955 (CA1 1976).

4. Through the debtors own admissions and court motions, it is obvious that the Long Term Incentive Award was an Executory Contract by definition. Furthermore, the Debtor neither sought to assume nor reject the contracts, and by its own admission was evaluating the need and ability to continue the programs. Therefore the debtor in possession is obligated to pay for the reasonable value of services received.
5. It only comes to question before this court as to the value of services (or “Quantum Meruit”) that the debtors received. In light of the fact that there was a contract in place and the debtors never sought to reject the contract before the date of my termination (which was after liquidation and full performance of the contract) then the value of services was in full value of the contract. Even in the debtors and Trusts own objection to the claims, they did not object to the amount of the claim only the nature.
6. I, as an employee and in good faith, worked from the petition date through the final inventory liquidation (last day) to satisfy my duties of the contract and to return a value to the estate.

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SUMMARY

It is clear that the Supreme Court has established the fact that if a debtor in possession realizes a benefit from a non-debtor as a result of postponing a decision on their executory contract, then the debtor is responsible for the value of services received up to and through full performance of the contract. That, along with the fact that my claim was filed as a rejection damages claim to which the Trust never addressed or objected to I kindly ask the following.

WHEREFORE, I David W. Tolliver, respectfully request the Liquidating Trusts' Objection be denied, and that my claim be deemed allowed and paid.

Date: April 6th, 2011

David W. Tolliver

A handwritten signature in black ink, appearing to read "David W. Tolliver", is written over a horizontal line.

David W. Tolliver
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704-996-8147

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the 6th Day of April 2011, this Response will be sent to the Clerk of the Court at:

Clerk of the Bankruptcy Court
United States Bankruptcy Court
701 East Broad Street - Room 4000
Richmond, Virginia 23219

, and send a true and correct copy of the Response via mail on the same day to:

Jeffrey N. Pomerantz, Esq.
Andrew W. Caine, Esq.
(admitted *pro hac vice*)
PACHULSKI STANG ZIEHL & JONES LLP
10100 Santa Monica Boulevard
Los Angeles, California 90067-4100
Telephone: (310) 277-6910
Telecopy: (310) 201-0760

- and -

Lynn L. Tavenner, Esq. (VA Bar No. 30083
Paula S. Beran, Esq. (VA Bar No. 34679)
TAVENNER & BERAN, PLC
20 North Eighth Street, 2nd Floor
Richmond, Virginia 23219
Telephone: (804) 783-8300
Telecopy: (804) 783-0178

DAVID W. TOLLIVER



B 10 (Official Form 10) (04/10)

UNITED STATES BANKRUPTCY COURT <u>EASTERN</u> DISTRICT OF <u>VIRGINIA</u>				PROOF OF CLAIM
Name of Debtor: <u>Circuit City Stores, Inc.</u>			Case Number: <u>08-35653</u>	
NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.				
Name of Creditor (the person or other entity to whom the debtor owes money or property): <u>David W Tolliver</u>			<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim.	
Name and address where notices should be sent: <u>David W Tolliver</u> 55 Brookmont Drive Clayton, NC 27527			Court Claim Number: _____ (If known)	
Telephone number: <u>(704) 996-8147</u>			Filed on: _____	
Name and address where payment should be sent (if different from above):			<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.	
Telephone number:			<input type="checkbox"/> Check this box if you are the debtor or trustee in this case.	
1. Amount of Claim as of Date Case Filed: <u>\$ 15,000.00</u>			5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount.	
If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4.				
If all or part of your claim is entitled to priority, complete item 5.				
<input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges.				
2. Basis for Claim: <u>Rejection Damages</u> (See instruction #2 on reverse side.)			Specify the priority of the claim.	
3. Last four digits of any number by which creditor identifies debtor: <u>5653</u>			<input type="checkbox"/> Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B). <u>10950</u>	
3a. Debtor may have scheduled account as: <u>Unsecured NonPriority</u> (See instruction #3a on reverse side.)			<input checked="" type="checkbox"/> Wages, salaries, or commissions (up to \$11,725*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier – 11 U.S.C. §507 (a)(4).	
4. Secured Claim (See instruction #4 on reverse side.) Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information.			<input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. §507 (a)(5).	
Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe:			<input type="checkbox"/> Up to \$2,600* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. §507 (a)(7).	
Value of Property: \$ _____ Annual Interest Rate ____ %			<input type="checkbox"/> Taxes or penalties owed to governmental units – 11 U.S.C. §507 (a)(8).	
Amount of arrearage and other charges as of time case filed included in secured claim, if any: \$ _____ Basis for perfection: _____			<input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. §507 (a)(_____. Amount entitled to priority: <u>\$ 41,725.00</u> <u>10950</u>	
Amount of Secured Claim: \$ _____ Amount Unsecured: \$ _____			*Amounts are subject to adjustment on 4/1/13 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.	
6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim.				
7. Documents: Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See instruction 7 and definition of "redacted" on reverse side.)				
DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.				
If the documents are not available, please explain:				
Date: <u>8/30/2010</u>	Signature: The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any.			FOR COURT USE ONLY

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

Gregg M. Galardi, Esq.
Ian S. Fredericks, Esq.
SKADDEN, ARPS, SLATE, MEAGHER &
FLOM, LLP
One Rodney Square
PO Box 636
Wilmington, Delaware 19899-0636
(302) 651-3000

Dion W. Hayes (VSB No. 34304)
Douglas M. Foley (VSB No. 34364)
MCGUIREWOODS LLP
One James Center
901 E. Cary Street
Richmond, Virginia 23219
(804) 775-1000

- and -

Chris L. Dickerson, Esq.
SKADDEN, ARPS, SLATE, MEAGHER &
FLOM, LLP
155 North Wacker Drive
Chicago, Illinois 60606-7120
(312) 407-0700

Counsel to the Debtors and
Debtors in Possession

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

- - - - - x
In re: : Chapter 11
:
CIRCUIT CITY STORES, INC., : Case No. 08-35653 (KRH)
et al., :
:
Debtors. : Jointly Administered
- - - - - x

**SUPPLEMENTAL ORDER SUSTAINING DEBTORS' FIFTY-SIXTH OMNIBUS
OBJECTION TO CLAIMS (DISALLOWANCE OF CERTAIN ALLEGED
ADMINISTRATIVE EXPENSES ON ACCOUNT OF EMPLOYEE OBLIGATIONS)**

Upon the objection (the "Objection")¹ of the
Debtors for entry of an order, pursuant to Bankruptcy Code
sections 105, 502 and 503, Bankruptcy Rule 3007, and Local

¹ Capitalized terms not otherwise defined herein shall have the meanings ascribed to such terms in the Objection.

Rule 3007-1, seeking, among other things, that the Claims specifically identified on Exhibit B attached to the Objection be disallowed; and it appearing that notice and service of the Objection as set forth therein was good and sufficient and that no other further notice or service of the Objection need be given; and it appearing that certain Claimants filed a response to the Objection; and it appearing that a hearing on the merits was held on March 8, 2010 and March 25, 2010; and it appearing that the relief requested in the Objection is in the best interest of the Debtors, their estates and creditors and other parties in interest; and after due deliberation thereon; and good and sufficient cause appearing therefore, it is hereby

ORDERED, ADJUDGED, AND DECREED that:

1. The Objection is SUSTAINED.
2. The Claims identified on Exhibit A attached hereto and incorporated herein are disallowed as administrative expense claims and reclassified to general unsecured claims as set forth on Exhibit A.
3. To the extent any of the agreements allegedly giving rise to the Claims are or were executory and they have been or are subsequently rejected by the Debtors, nothing in this Order shall prohibit a Claimant who filed a

Claim from filing a rejection damages claim (as a priority claim or otherwise) by the applicable bar date or impair the Debtors' right to object to any such rejection damages claim that is filed on any ground that governing law permits. For the avoidance of doubt, nothing herein shall be deemed to extend any bar date.

4. The Debtors' rights to object to any claim, including (without limitation) the Claims, on any grounds that governing law permits and each claimant's right to contest such objection are not waived and are expressly reserved.

5. With respect to the Claims, this Order shall control over the Order on Debtors' Fifty-Sixth Omnibus Objection to Claims (Disallowance of Certain Alleged Administrative Expenses on Account of Employee Obligations) (Docket No. 6071).

6. The Debtors shall serve a copy of this Order on the claimants included on the exhibits to this Order on or before seven (7) days from the entry of this Order.

7. This Court shall retain jurisdiction to hear
and determine all matters arising from or relating to this
Order.

Dated: Richmond, Virginia

Apr 1 2010, 2010

/s/ Kevin Huennekens

HONORABLE KEVIN R. HUENNEKENS
UNITED STATES BANKRUPTCY JUDGE

Entered on docket: April 1 2010

WE ASK FOR THIS:

Gregg M. Galardi, Esq.
Ian S. Fredericks, Esq.
SKADDEN, ARPS, SLATE, MEAGHER & FLOM, LLP
One Rodney Square
PO Box 636
Wilmington, Delaware 19899-0636
(302) 651-3000

- and -

Chris L. Dickerson, Esq.
SKADDEN, ARPS, SLATE, MEAGHER & FLOM, LLP
155 North Wacker Drive
Chicago, Illinois 60606-1720
(312) 407-0700

- and -

/s/ Douglas M. Foley
Dion W. Hayes (VSB No. 34304)
Douglas M. Foley (VSB No. 34364)
MC GUIREWOODS LLP
One James Center
901 E. Cary Street
Richmond, Virginia 23219
(804) 775-1000

Counsel to the Debtors and Debtors in Possession

CERTIFICATION OF ENDORSEMENT UNDER LOCAL RULE 9022-1(C)

Pursuant to Local Bankruptcy Rule 9022-1(C), I hereby certify that the foregoing proposed order has been endorsed by or served upon all necessary parties.

/s/ Douglas M. Foley
Douglas M. Foley

EXHIBIT A

CLAIM TO BE MODIFIED	CLAIM AS DOCKETED*	CLAIM AS MODIFIED
Claim: 14336 Date Filed: 06/23/2009 Docketed Total: \$1,000,000.00 Filing Creditor Name and Address: BESANKO BRUCE H 191 FARMINGTON RD LONGMEADOW, MA 01106	Claim Holder Name and Address BESANKO BRUCE H 191 FARMINGTON RD LONGMEADOW, MA 01106 503(b)(2) Reclamation Admin Secured \$1,000,000.00	Case Number: 08-35653 Docketed Total: \$1,000,000.00 Priority Unsecured 503(b)(9) Reclamation Admin Secured Priority Unsecured \$1,000,000.00
Claim: 14337 Date Filed: 06/23/2009 Docketed Total: \$2,203,668.90 Filing Creditor Name and Address: BESANKO BRUCE H 191 FARMINGTON RD LONGMEADOW, MA 01106	Claim Holder Name and Address BESANKO BRUCE H 191 FARMINGTON RD LONGMEADOW, MA 01106 503(b)(2) Reclamation Admin Secured \$2,203,668.90	Case Number: 08-35653 Docketed Total: \$2,203,668.90 Priority Unsecured 503(b)(9) Reclamation Admin Secured Priority Unsecured \$2,203,668.90
Claim: 14236 Date Filed: 06/30/2009 Docketed Total: \$40,000.00 Filing Creditor Name and Address: BRADLEY, THOMAS C 2801 SAVAGE VIEW DR MIDLOTHIAN, VA 23112	Claim Holder Name and Address BRADLEY, THOMAS C 2801 SAVAGE VIEW DR MIDLOTHIAN, VA 23112 503(b)(9) Reclamation Admin Secured \$40,000.00	Case Number: 08-35653 Docketed Total: \$40,000.00 Priority Unsecured 503(b)(9) Reclamation Admin Secured Priority Unsecured \$40,000.00
Claim: 14238 Date Filed: 06/30/2009 Docketed Total: \$40,000.00 Filing Creditor Name and Address: BRADLEY, THOMAS C 2801 SAVAGE VIEW DR MIDLOTHIAN, VA 23112	Claim Holder Name and Address BRADLEY, THOMAS C 2801 SAVAGE VIEW DR MIDLOTHIAN, VA 23112 503(b)(2) Reclamation Admin Secured \$40,000.00	Case Number: 08-35653 Docketed Total: \$40,000.00 Priority Unsecured 503(b)(9) Reclamation Admin Secured Priority Unsecured \$40,000.00

* "UNL" denotes an unliquidated claim.

EXHIBIT A

CLAIM TO BE MODIFIED	CLAIM AS DOCKETED*	CLAIM AS MODIFIED
<p>Claim: 14240 Date Filed: 06/30/2009 Docketed Total: \$40,000.00 Filing Creditor Name and Address: BRADLEY, THOMAS C 2801 SAVAGE VIEW DR MIDLOTHIAN, VA 23112</p>	<p>Claim Holder Name and Address BRADLEY, THOMAS C 2801 SAVAGE VIEW DR MIDLOTHIAN, VA 23112</p> <p>Case Number: 08-35653 Docketed Total: \$40,000.00</p> <p>Priority Secured Priority Unsecured <u>Admin</u> <u>Reclamation</u> <u>503(b)(9)</u> <u>Reclamation</u></p>	<p>Case Number: 08-35653 Modified Total: \$40,000.00</p> <p>Priority Secured Admin Priority Unsecured <u>Priority</u> <u>Secured</u> <u>Admin</u> <u>Priority</u> <u>Unsecured</u></p>
<p>Claim: 13936 Date Filed: 06/29/2009 Docketed Total: \$1,502,166.00 Filing Creditor Name and Address: BREITENBECHER, KELLY SANDS ANDERSON MARKS & MILLER PC 801 E MAIN ST STE 1800 PO BOX 1998 RICHMOND, VA 23218-1998</p>	<p>Claim Holder Name and Address BREITENBECHER, KELLY SANDS ANDERSON MARKS & MILLER PC 801 E MAIN ST STE 1800 PO BOX 1998 RICHMOND, VA 23218-1998</p> <p>Case Number: 08-35653 Docketed Total: \$1,502,166.00</p> <p>Priority Secured Priority Unsecured <u>Admin</u> <u>Reclamation</u> <u>503(b)(9)</u> <u>Reclamation</u></p>	<p>Case Number: 08-35653 Modified Total: \$1,502,166.00</p> <p>Priority Secured Admin Priority Unsecured <u>Priority</u> <u>Secured</u> <u>Admin</u> <u>Priority</u> <u>Unsecured</u></p>
<p>Claim: 14242 Date Filed: 06/29/2009 Docketed Total: \$20,000.00 Filing Creditor Name and Address: FAY LAWRENCE 2500 MAPLE HALL CT MIDLOTHIAN, VA 23113</p>	<p>Claim Holder Name and Address FAY LAWRENCE 2500 MAPLE HALL CT MIDLOTHIAN, VA 23113</p> <p>Case Number: 08-35653 Docketed Total: \$20,000.00</p> <p>Priority Secured Priority Unsecured <u>Admin</u> <u>Reclamation</u> <u>503(b)(9)</u> <u>Reclamation</u></p>	<p>Case Number: 08-35653 Modified Total: \$20,000.00</p> <p>Priority Secured Admin Priority Unsecured <u>Priority</u> <u>Secured</u> <u>Admin</u> <u>Priority</u> <u>Unsecured</u></p>
<p>Claim: 13622 Date Filed: 06/26/2009 Docketed Total: \$0.00 Filing Creditor Name and Address: FRANCIS E TELEGADAS 8204 YOLANDA RD RICHMOND, VA 23229</p>	<p>Claim Holder Name and Address FRANCIS E TELEGADAS 8204 YOLANDA RD RICHMOND, VA 23229</p> <p>Case Number: 08-35653 Docketed Total: UNL</p> <p>Priority Secured Priority Unsecured <u>Admin</u> <u>Reclamation</u> <u>503(b)(9)</u> <u>Reclamation</u></p>	<p>Case Number: 08-35653 Modified Total: \$0.00</p> <p>Priority Secured Admin Priority Unsecured <u>Priority</u> <u>Secured</u> <u>Admin</u> <u>Priority</u> <u>Unsecured</u></p>

* "UNL" denotes an unliquidated claim.

EXHIBIT A

CLAIM TO BE MODIFIED	CLAIM AS DOCKETED*	CLAIM AS MODIFIED
Claim: 13885 Date Filed: 06/29/2009 Docketed Total: \$270,000.00 Filing Creditor Name and Address: GEITH, JON C CANFIELD BAER LLP 2201 LIBBLE AVE STE 200 RICHMOND, VA 23230	Claim Holder Name and Address GEITH, JON C CANFIELD BAER LLP 2201 LIBBLE AVE STE 200 RICHMOND, VA 23230 503(b)(9) Reclamation <u>Admin</u> Secured Priority Unsecured	Case Number: 08-35653 Docketed Total: \$270,000.00 503(b)(9) Reclamation <u>Admin</u> Secured Priority Unsecured
Claim: 14025 Date Filed: 06/29/2009 Docketed Total: \$93,120.00 Filing Creditor Name and Address: GEITH, JON C CANFIELD BAER LLP 2201 LIBBLE AVE STE 200 RICHMOND, VA 23230	Claim Holder Name and Address GEITH, JON C CANFIELD BAER LLP 2201 LIBBLE AVE STE 200 RICHMOND, VA 23230 503(b)(9) Reclamation <u>Admin</u> Secured Priority Unsecured	Case Number: 08-35653 Docketed Total: \$93,120.00 503(b)(9) Reclamation <u>Admin</u> Secured Priority Unsecured
Claim: 14173 Date Filed: 06/29/2009 Docketed Total: \$125,000.00 Filing Creditor Name and Address: GEITH, JON C CANFIELD BAER LLP 2201 LIBBLE AVE STE 200 RICHMOND, VA 23230	Claim Holder Name and Address GEITH, JON C CANFIELD BAER LLP 2201 LIBBLE AVE STE 200 RICHMOND, VA 23230 503(b)(9) Reclamation <u>Admin</u> Secured Priority Unsecured	Case Number: 08-35653 Docketed Total: \$125,000.00 503(b)(9) Reclamation <u>Admin</u> Secured Priority Unsecured
Claim: 15879 Date Filed: 06/29/2009 Docketed Total: \$657,814.00 Filing Creditor Name and Address: JEFF MCDONALD 5540 QUAIL RIDGE TER CHESTERFIELD, VA 23832	Claim Holder Name and Address JEFF MCDONALD 5540 QUAIL RIDGE TER CHESTERFIELD, VA 23832 503(b)(9) Reclamation <u>Admin</u> Secured Priority Unsecured	Case Number: 08-35653 Docketed Total: \$657,814.00 503(b)(9) Reclamation <u>Admin</u> Secured Priority Unsecured

* "UNL" denotes an unliquidated claim.

In re Circuit City Stores, Inc, et al.
Case No. 08-35653 (KRH)

Debtors' Fifty-Sixth Omnibus Objection to Claims
Supplemental Order Objection To Certain Hr Administrative
Claims - Modified

EXHIBIT A

CLAIM TO BE MODIFIED	CLAIM AS DOCKETED*	CLAIM AS MODIFIED
<p>Claim: 14011 Date Filed: 06/29/2009 Docketed Total: \$125,000.00 Filing Creditor Name and Address: LAMBERT GAFFNEY, LAURIE 2201 LIBBLE AVE STE 200 RICHMOND, VA 23230</p>	<p>Claim Holder Name and Address LAMBERT GAFFNEY, LAURIE 2201 LIBBLE AVE STE 200 RICHMOND, VA 23230</p> <p>Case Number: 08-35653 Docketed Total: \$125,000.00</p> <p><u>Reclamation</u> <u>Admin</u> <u>\$03(b)(9)</u> <u>\$125,000.00</u></p>	<p>Case Number: 08-35653 Modified Total: \$125,000.00</p> <p><u>Reclamation</u> <u>Admin</u> <u>503(b)(9)</u> <u>Priority</u> <u>Unsecured</u> <u>Priority</u> <u>Unsecured</u> <u>Priority</u> <u>Unsecured</u> <u>Priority</u> <u>Unsecured</u> <u>Priority</u></p>
<p>Claim: 13803 Date Filed: 06/26/2009 Docketed Total: \$40,000.00 Filing Creditor Name and Address: LINDA H CASTLE 5601 HUNTERS GLEN DR GLEN ALLEN, VA 23059</p>	<p>Claim Holder Name and Address LINDA H CASTLE 5601 HUNTERS GLEN DR GLEN ALLEN, VA 23059</p> <p>Case Number: 08-35653 Docketed Total: \$40,000.00</p> <p><u>Reclamation</u> <u>Admin</u> <u>\$03(b)(9)</u> <u>\$40,000.00</u></p>	<p>Case Number: 08-35653 Modified Total: \$40,000.00</p> <p><u>Reclamation</u> <u>Admin</u> <u>503(b)(9)</u> <u>Priority</u> <u>Unsecured</u> <u>Priority</u> <u>Unsecured</u> <u>Priority</u> <u>Unsecured</u> <u>Priority</u> <u>Unsecured</u> <u>Priority</u></p>
<p>Claim: 14107 Date Filed: 06/30/2009 Docketed Total: \$15,000.00 Filing Creditor Name and Address: MICHAEL D GOODE 4537 MOCKINGBIRD LN MAIDEN, NC 28650</p>	<p>Claim Holder Name and Address MICHAEL D GOODE 4537 MOCKINGBIRD LN MAIDEN, NC 28650</p> <p>Case Number: 08-35653 Docketed Total: \$15,000.00</p> <p><u>Reclamation</u> <u>Admin</u> <u>\$03(b)(9)</u> <u>\$15,000.00</u></p>	<p>Case Number: 08-35653 Modified Total: \$15,000.00</p> <p><u>Reclamation</u> <u>Admin</u> <u>503(b)(9)</u> <u>Priority</u> <u>Unsecured</u> <u>Priority</u> <u>Unsecured</u> <u>Priority</u> <u>Unsecured</u> <u>Priority</u></p>
<p>Claim: 13967 Date Filed: 06/29/2009 Docketed Total: \$40,000.00 Filing Creditor Name and Address: RAMSEY, DANIEL W 7405 THREE CHOPT RD RICHMOND, VA 23226</p>	<p>Claim Holder Name and Address RAMSEY, DANIEL W 7405 THREE CHOPT RD RICHMOND, VA 23226</p> <p>Case Number: 08-35653 Docketed Total: \$40,000.00</p> <p><u>Reclamation</u> <u>Admin</u> <u>\$03(b)(9)</u> <u>\$40,000.00</u></p>	<p>Case Number: 08-35653 Modified Total: \$40,000.00</p> <p><u>Reclamation</u> <u>Admin</u> <u>503(b)(9)</u> <u>Priority</u> <u>Unsecured</u> <u>Priority</u> <u>Unsecured</u> <u>Priority</u> <u>Unsecured</u> <u>Priority</u></p>

* "UNL" denotes an unliquidated claim.

In re Circuit City Stores, Inc., et al.
Case No. 08-35653 (KRH)

EXHIBIT A

Debtors' Fifty-Sixth Omnibus Objection to Claims
Supplemental Order Objection To Certain Hr Administrative
Claims - Modified

CLAIM TO BE MODIFIED	CLAIM AS DOCKETED*	CLAIM AS MODIFIED
Claim: 13321 Date Filed: 06/11/2009 Docketed Total: \$20,000.00 Filing Creditor Name and Address: SALON RICHARD E 1350 AUTUMN BREEZE DR OILVILLE, VA 23129	Claim Holder Name and Address SALON RICHARD E 1350 AUTUMN BREEZE DR OILVILLE, VA 23129 503(b)(9) Reclamation Admin Secured \$20,000.00	Case Number: 08-35653 Docketed Total: \$20,000.00 Priority Unsecured 503(b)(9) Reclamation Admin Secured Priority \$20,000.00
Claim: 13833 Date Filed: 06/29/2009 Docketed Total: \$40,000.00 Filing Creditor Name and Address: SCOTT D MAINWARING 5608 BELSTEAD LN GLEN ALLEN, VA 23059	Claim Holder Name and Address SCOTT D MAINWARING 5608 BELSTEAD LN GLEN ALLEN, VA 23059 503(b)(9) Reclamation Admin Secured \$40,000.00	Case Number: 08-35653 Docketed Total: \$40,000.00 Priority Unsecured 503(b)(9) Reclamation Admin Secured Priority \$40,000.00
Claim: 14159 Date Filed: 06/30/2009 Docketed Total: \$15,000.00 Filing Creditor Name and Address: TOLLIVER, DAVID W 3100 H WESTBURY LAKE DR CHARLOTTE, NC 28269	Claim Holder Name and Address TOLLIVER, DAVID W 3100 H WESTBURY LAKE DR CHARLOTTE, NC 28269 503(b)(9) Reclamation Admin Secured \$15,000.00	Case Number: 08-35653 Docketed Total: \$15,000.00 Priority Unsecured 503(b)(9) Reclamation Admin Secured Priority \$15,000.00
Claim: 13948 Date Filed: 06/30/2009 Docketed Total: \$62,500.00 Filing Creditor Name and Address: VONBECHMANN, DAWN W SPOTTS FAIN PC 411 E FRANKLIN ST STE 600 RICHMOND, VA 23219	Claim Holder Name and Address VONBECHMANN, DAWN W SPOTTS FAIN PC 411 E FRANKLIN ST STE 600 RICHMOND, VA 23219 503(b)(9) Reclamation Admin Secured \$62,500.00	Case Number: 08-35653 Docketed Total: \$62,500.00 Priority Unsecured 503(b)(9) Reclamation Admin Secured Priority \$62,500.00

* "UNL" denotes an unliquidated claim.

EXHIBIT A

Debtors' Fifty-Sixth Omnibus Objection to Claims
Supplemental Order Objection To Certain Hr Administrative
Claims - Modified

CLAIM TO BE MODIFIED	CLAIM AS DOCKETED*	CLAIM AS MODIFIED
<p>Claim: 13959 Date Filed: 06/30/2009 Docketed Total: \$260,000.00 Filing Creditor Name and Address: WIMMER JR, JAMES H CHRISTIAN & BARTON LLP 909 E MAIN ST STE 1200 RICHMOND, VA 23219</p> <p>503(b)(9) Reclamation Admin Secured \$260,000.00</p>	<p>Claim Holder Name and Address WIMMER JR, JAMES H CHRISTIAN & BARTON LLP 909 E MAIN ST STE 1200 RICHMOND, VA 23219</p> <p>503(b)(9) Reclamation Admin Secured \$260,000.00</p>	<p>Case Number: 08-35653 Docketed Total: \$260,000.00 Case Number: 08-35653 Modified Total: \$260,000.00</p> <p>503(b)(9) Reclamation Admin Secured Priority Unsecured \$260,000.00</p> <p>Total Claims To Be Modified: 21 Total Amount As Docketed: \$6,609,268.90 Total Amount As Modified: \$6,609,268.90</p>

* "UNL" denotes an unliquidated claim.